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CHILE: CRIME AND PUNISHMENT

Verdicts and sentences in the major public trial held by the air force between April and June finally were issued last week.

The four death sentences handed down were commuted to 30 years imprisonment on August 5. The relatively quick commutation indicates that the military government has grown increasingly aware of the damage that the executions last year have done to Chile's international image. The rest of the sentences are under review, and at least some of the prison terms probably will be substantially reduced. About 1,800 of the officially admitted 6,000 leftist prisoners have yet to be formally charged, however, including high-ranking officials of the Allende regime and leftist party leaders.

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Most of the 60-odd defendants were military men, but civilian Carlos Lazo, a former vice president of the state bank, was one of those

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condemned to death. Former Socialist senator Erich Schnake got 20 years. The most serious charges involved leftist attempts to promote insubordination in the air force and the passage of military secrets to the "enemy."

15c Defense lawyers had argued that since the offenses allegedly were committed before the coup that overthrew the Allende regime, the trials should have been held before a peacetime military tribunal rather than a wartime court-martial. Prosecuting attorneys countered with the proposition that the state of war predated the coup. The issue is crucial, since some minor peacetime infractions of the military justice code are major violations in time of war.

In a 234-page opinion, the air force court ruled that an undeclared state of war came into being years before the coup, i.e., with the organization of leftist paramilitary forces—the "enemy"—and the "mobilization" of the armed forces to combat political violence. Having declared that a state of war did exist when the offenses were committed, the court went on to cite precedents such as the Dreyfus case and the Stalin purge trials to demonstrate that an "enemy" can exist even in peacetime. The opinion ignored defense charges that torture was used to obtain confessions.

Good legal arguments can be made on both sides of the question of when the state of war began, but on the whole the air force court's opinion is more a political tract than a legal analysis. The reviewing officer based his decision to commute the death sentences on the previous good records of the defendants.

Some military men feel there should be no more spectacular public trials, and the government seems unsure how to proceed against its most prominent prisoners. Whatever the decision, however, it is likely to reflect the military's determination to continue to do things its own way, despite heavy criticism from abroad.

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